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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

JAYMEE AFTER BUFFALO,)
) Cause No.
Plaintiff,)
)
-vs-)
)
UNITED STATES OF AMERICA,)
)
Defendant.)
)

COMPLAINT

Plaintiff, by and through her attorneys, alleges:

1. Plaintiff is a citizen and resident of Browning, Montana.
2. This Court has jurisdiction over this case pursuant to the Federal Tort

Claims Act, 28 U.S.C. 2671, et seq., in that the claim arises from the United States

of America's conduct in providing health care services at Blackfeet Community Hospital (BCH) in Browning, Montana. BCH is an Indian Health Services (IHS)-funded facility operated by the United States of America. The negligent acts and omissions that are the subject of this action were committed by the Government's agents and employees while acting within the course and scope of their employment. This Court has exclusive jurisdiction over tort claims brought against the United States of America pursuant to 28 U.S.C. § 1346(b).

3. Plaintiff's claim was filed in writing with the United States of America on May 11, 2020, with additional supporting documentation to complete the claim being submitted August 10, 2020 and September 9, 2020. The United States has not responded, and more than six (6) months has elapsed. Accordingly, Plaintiff has appropriately exhausted her administrative remedies.

4. The acts and omissions giving rise to this claim occurred in Glacier County, Montana, which is within the Great Falls Division. Venue is proper in the Great Falls Division pursuant to Local Rule 3.2(b).

5. On October 1, 2019, Plaintiff underwent a laparoscopic tubal ligation procedure performed by Benjamin T. Eastham, MD at Blackfeet Community Hospital in Browning, Montana. At the time of Plaintiff's tubal ligation procedure, Dr. Eastham was an employee of Blackfeet Community Hospital, Indian Health

Services, and the United States of America.

6. During the tubal ligation procedure on October 1, 2019, Dr. Eastham negligently perforated Plaintiff's small bowel in two locations, causing a through and through enterotomy (complete penetration of small bowel, involving both entrance and exit wounds).

7. Five days later, on October 6, 2019, Plaintiff presented to the emergency room at Blackfeet Community Hospital with complaints of abdominal pain, nausea and vomiting. Plaintiff's clinical presentation suggested sepsis from a bowel perforation.

8. The same day, October 6, 2019, Plaintiff was flown by helicopter to Benefis Healthcare in Great Falls, Montana, where she underwent surgery to repair a through and through enterotomy and washout of purulent peritonitis (infection of abdominal cavity). Plaintiff remained hospitalized at Benefis Healthcare for 10 days, until her discharge on October 15, 2019.

9. The Blackfeet Community Hospital and Benjamin T. Eastham, MD breached the applicable standard of medical care by negligently causing Plaintiff's small bowel to be perforated through and through during a laparoscopic tubal ligation procedure.

10. Blackfeet Community Hospital and Benjamin T. Eastham, MD were

also negligent and breached the applicable standard of medical care by failing to recognize and treat Plaintiff's multiple bowel perforations prior to concluding the laproscopic tubal ligation procedure.

11. As a result of said negligence and breaches of the applicable standard of medical care, Plaintiff has suffered damages, which include but are not necessarily limited to, additional medical expenses, physical and emotional pain and suffering, loss of established course of life, and loss of enjoyment of life.

WHEREFORE, PLAINTIFF PRAYS:

1. For an award of general and special damages sufficient to compensate Plaintiff for medical expenses, other expenses, physical and emotional pain and suffering, loss of established course of life, loss of enjoyment of life, and all other damages suffered by Plaintiff as a result of the negligence and breaches of the applicable standard of medical care by Blackfeet Community Hospital and Benjamin T. Eastham, MD;

2. For costs and fees as allowed by law; and,

3. For all other relief the Court deems appropriate.

DATED this 5th day of February, 2021.

/s/ Jeffrey G. Winter
DUROCHER & WINTER, P.C.